

## § 630.1

## 50 CFR Ch. VI (10-1-96 Edition)

AUTHORITY: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

SOURCE: 50 FR 33956, Aug. 22, 1985, unless otherwise noted.

### Subpart A—General Provisions

#### § 630.1 Purpose and scope.

(a) The purpose of this part is to implement—

(1) The Fishery Management Plan for the Atlantic Swordfish Fishery under the Magnuson Act; and

(2) The recommendations of the International Commission for the Conservation of Atlantic Tunas, as they relate to conservation and management of swordfish, under the Atlantic Tunas Convention Act.

(b) This part governs the conservation and management of the North Atlantic swordfish stock.

(c) Regulations governing fishing by vessels other than vessels of the United States shoreward of the outer boundary of the EEZ are published at 50 CFR part 611 subpart A, and §§611.60 and 611.61.

[56 FR 65016, Dec. 13, 1991]

#### § 630.2 Definitions.

In addition to the definitions in the Magnuson Act and in §620.2 of this chapter, the terms used in this part have the following meanings:

*Carcass or dressed* means a fish that has been gutted and the head and fins have been removed, but is otherwise in whole condition.

*Dealer* means the person in the United States who first receives, by way of purchase, barter, or trade, swordfish harvested from the Atlantic Ocean.

*Drift gillnet*, sometimes called a drift entanglement net or drift net, means a flat net, unattached to the ocean bottom, whether or not it is attached to a vessel, designed to be suspended vertically in the water to entangle the head or other body parts of fish that attempt to pass through the meshes.

*Gangion* means one of the lines that bear hooks and which is attached at intervals along the main line of a longline. (Synonymous with leader.)

*Handline gear* means a fishing line set and pulled by hand that remains attached to a fishing vessel during fishing.

*Land or landed* means to arrive in port or at a dock, berth, beach, seawall, or ramp.

*North Atlantic swordfish stock* means those swordfish in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5°N. latitude. The North Atlantic swordfish stock is the management unit for these regulations.

*Pelagic longline* means a type of fishing gear consisting of a length of line suspended horizontally in the water above the bottom from lines attached to surface floats and to which gangions and hooks are attached.

*Recreational fishery* means the harvest of swordfish from a vessel with only rod and reel fishing gear aboard.

*Regional Director* means the Director, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; telephone 813-570-5301, or a designee.

*Rod and reel* means a hand-held (including rod-holder) fishing rod with a manually or electrically operated reel attached.

*Science and Research Director* means the Science and Research Director, Southeast Fisheries Science Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee.

*Swordfish* means a fish of the species *Xiphias gladius*.

*Trip* means a fishing trip, regardless of number of days duration, that begins with departure from a port, dock, berth, beach, seawall, or ramp and that terminates with return to a port, dock, berth, beach, seawall, or ramp.

*Trip limit* means the total allowable take from a single trip as defined in this section.

*Whole*, when referring to swordfish, means a fish that is not gutted and the head and fins are intact.

[50 FR 33956, Aug. 22, 1985; 50 FR 35563, Sept. 3, 1985, as amended at 53 FR 24655, June 29, 1988; 53 FR 27694, July 22, 1988; 55 FR 35645, Aug. 31, 1990; 56 FR 65016, Dec. 13, 1991; 60 FR 46778, Sept. 8, 1995]

#### § 630.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in §620.3 of this chapter and paragraph (b) of this section.

(b) In accordance with regulations issued under the Marine Mammal Protection Act of 1972, as amended, it is unlawful for a commercial fishing vessel, a vessel owner, or a master or operator of a vessel to engage in a longline or gillnet swordfish fishery in the Atlantic Ocean (including the Gulf of Mexico and Caribbean Sea) unless the vessel owner or authorized representative has complied with specified requirements including, but not limited to, registration, exemption certificates, decals, and reports, as contained in 50 CFR part 229.

[56 FR 59222, Nov. 25, 1991]

#### § 630.4 Permits and fees.

(a) *Applicability*—(1) *Annual vessel permits*. (i) Except as provided by paragraph (a)(1)(ii) of this section, the owner of a vessel of the United States—

(A) That fishes for or possesses swordfish in or from the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5°N. latitude, or

(B) That takes such swordfish as bycatch, whether or not retained—must have an annual vessel permit.

(ii) The owner of a vessel that fishes for or possesses swordfish in or from the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5°N. latitude—

(A) In the recreational fishery, or

(B) Shoreward of the outer boundary of the EEZ around Puerto Rico and the Virgin Islands with only handline gear aboard—is exempt from the requirement to have a permit.

(2) *Annual dealer permits*. A dealer who receives swordfish harvested or possessed by a vessel of the United States must have an annual dealer permit.

(b) *Application for an annual vessel permit*. (1) An application for an annual vessel permit under this section must be signed by the owner and submitted to the Regional Director. The application must be submitted at least 30 days prior to the date on which the applicant desires to have the permit made effective. An application form is available from the Regional Director and must contain the following information:

(i) Vessel owner's name, mailing address, and telephone number;

(ii) If the vessel owner is a corporation or a partnership, the names, addresses, and dates of birth of the two principal shareholders or partners;

(iii) Vessel's name, official number, home port, net tonnage, length, and type and amount of gear used;

(iv) Any other information concerning vessel and gear characteristics requested by the Regional Director; and

(v) Any other information requested by the Regional Director that may be necessary for the issuance or administration of the permit.

(2) The application must be accompanied by a copy of the vessel's U.S. Coast Guard certificate of documentation or, if not documented, a copy of its state registration certificate.

(c) *Application for an annual dealer permit*. (1) An application for a dealer permit must be submitted and signed by the dealer or an officer of a corporation acting as a dealer. The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) A permit applicant must provide the following information:

(i) A copy of each state wholesaler's license held by the dealer;

(ii) Business name, mailing address including zip code of the principal office of the business, and employer identification number, if one has been assigned by the Internal Revenue Service;

(iii) The address of each physical facility at a fixed location where the business receives fish;

(iv) Name, official capacity in the business, mailing address including zip code, telephone number, social security number, and date of birth of the applicant; and

(v) If the applicant is a corporation or partnership, the names, addresses, and dates of birth of the two principal shareholders or partners.

(d) *Fees*. A fee is charged for each annual vessel permit issued under paragraph (b) of this section and for each annual dealer permit issued under paragraph (c) of this section. The amount of the fees is calculated, at least annually, in accordance with the